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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

First named inventor: PENG CHO TANG

Application No.: 10/648,810

Art Unit: 1623

Filed: August 27, 2003

Examiner: Paul V. Ward

Title: 4-HETEROARYL-3-HETEROARYLIDENYL-2-INDOLINONES AND THEIR USE AS PROTEIN KINASE INHIBITORS

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (703) 872-9306

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee
☐ Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity - fee \$ 1500.00 (37 CFR 1.17(m))
08/22/2006 CCHAU1 00000010 500329 10648810
01 FC:1453 1500.00 DA**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in the form of Statement of Unintentional Abandonment (identify type of reply):

- ☐ has been filed previously on _____.
- ☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ 1700.00.

- ☐ has been paid previously on _____.
- ☒ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

- ☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Vincent P. Liptak
Signature

02/17/2006
Date

Vincent P. Liptak
Typed or printed name

53,225
Registration Number, if applicable

10777 Science Center Drive, San Diego, CA 92121
Address

858-622-7908
Telephone Number

Address

Enclosures: ☒ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☒ Additional sheets containing statements establishing unintentional delay

☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (703) 872-9306.

2/17/06
Date

Rachel Potash
Signature

Rachel Potash
Typed or printed name of person signing certificate



Certificate of Mailing (37 C.F.R. §1.8):
I hereby certify that this correspondence is being
deposited with the United States Postal Service as
Express Mail (723989715US) in an envelope addressed
to: Mail Stop: Petition, Commissioner for Patents,
PO Box 1450, Alexandria, VA 22313-1450
on this 17th day of February 2006.

s/ Rachel Potash
Rachel Potash

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:
PENG CHO TANG, et al.

Serial No.: 10/648,810

Filed: August 27, 2003

Confirmation No.: 3943

For: **4-HETEROARYL-3-
HETEROARYLIDENYL-2-INDOLINONES
AND THEIR USE AS PROTEIN KINASE
INHIBITORS**

Group Art Unit: 1623

Examiner: Paul V. Ward

Mail Stop – Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Statement of Unintentional Abandonment in Support of Petition To Revive
37 CFR 1.137(b)

Sir/Madam:

Applicants hereby petition under 37 CFR 1.137(b) that the above-referenced application be revived on the grounds that the entire delay in filing the required reply, in this case, the required payment of the Issue Fee, from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b), was unintentional.

On February 17, 2005, counsel for the Applicants filed a Withdrawal of Attorney of Record letter with the U.S. PTO (a copy of the date stamped letter is enclosed). On May 3, 2005, the undersigned agent filed a Revocation of Power of Attorney and a Change of Correspondence Address (a copy of the fax transmittal and all forms is enclosed). On October 18, 2005, the U.S. PTO mailed a Notice of Acceptance of Power of Attorney to the undersigned agent (a copy of the Notice is enclosed).


In the meantime, the undersigned agent filed a response to an Office Action on May 20, 2005, and conducted a phone interview with the Examiner on August 30, 2005, for which the examiner called the agent (a copy of the date stamped return postcard and a copy of the transmittal letter are enclosed). Despite all of the communications, the Notice of Allowance was nevertheless mailed to the Applicants' former attorney of record. Unfortunately, due to some filing internal error, the Notice of Allowance was never docketed upon receipt from the Applicants former agent.

The failure to pay the issue fee in the instant application was wholly unintentional. Unfortunately, all of the circumstances outlined above created a situation in which the Notice of Allowance was not properly docketed, thus the issue fee payment deadline was unintentionally missed. A colleague of the Applicants' agent discovered the error on February 9, 2006. After a brief investigation, the Applicants' agent acted to file this Petition to Revive. Applicants respectfully request that the Office of Petitions grant the present Petition to Revive and accept payment of the issue fee.

Please charge the **\$1500.00** petition fee to Deposit Account No. 500329 (a duplicate of this paper is enclosed). If any other fee is required for the filing of the enclosed response, please charge all such required fees to Applicant's Deposit Account No. 500329.

Respectfully submitted,

Date: 02/17/2006


Vincent P. Liptak
Agent For Applicants
Registration No. 53,225

Agouron Pharmaceuticals, Inc.
A Pfizer Company
Legal Division, Patent Department
10777 Science Center Drive
San Diego, California 92121
Phone: (858) 622-7908
Fax: (858) 678-8233



New Atty. Dkt. No. 034536-0406
Old Atty. Dkt. No. N/A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Pang Cho Tang; Chung Chen Wei; Ping Huang; Jingrong Cui

Title: 4-HETEROYL-3-HETEROARYLIDENYL-2-INDOLINONES AND
THEIR USE AS PROTEIN KINASE INHIBITORS

Appl. No.: 10/648810

Filing Date: 08/27/2003

Patent No: N/A



**WITHDRAWAL OF ATTORNEY OF RECORD AND
CHANGE OF CORRESPONDENCE ADDRESS**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Due to the clients request to transfer certain applications, effective February 16, 2005, Foley & Lardner LLP attorneys associated with CUSTOMER NUMBER: 22428, withdraw as Attorney of Record for the captioned application. The undersigned is signing this withdrawal on behalf of herself and all the aforementioned attorneys.

All further correspondence should be sent to:

Stephen D. Prodnuk, Esq.
Pfizer, Inc.
Pfizer La Jolla Labs
10777 Science Center Drive
San Diego, CA 92121
Phone No.: 858-622-3087
Fax No.: 858-678-8233
CUSTOMER NUMBER 28940



New Atty. Dkt. No. 034536-0406
Old Atty. Dkt. No. N/A

Respectfully submitted,

Date 17 February 2005

By

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5475
Facsimile: (202) 672-5399

Beth A. Burrous
Attorney for Applicant
Registration No. 35,087

Confirmation Report - Memory Send

Page : 001
Date & Time: May-04-05 08:41
Line 1 : +8586788233
Line 2 :
Machine ID : pfizer la jolla

Job number : 935
Date : May-04 08:40
To : 8917033087749
Number of pages : 003
Start time : May-04 08:40
End time : May-04 08:41
Pages sent : 003
Status : OK



Job number : 935

*** SEND SUCCESSFUL ***

PC23537-B (SU-292)
Revocation of Power of Attorney With New Power of Attorney,
Change of Correspondence Address, Statement

Certificate of Mailing (37 C.F.R. §1.8) I hereby certify that this correspondence is being Transmitted via facsimile to 703-308-7749 c/o Mail Stop: OIPE - Patent Cases, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on this 4th day of May 2005.

John Agostino
John Agostino

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:
Peng Cho Tang, et al.

Serial No.: 10/848,810
U.S. Patent No.:

Filed: 08/27/2003
Issued:

For
4-HETEROARYL-3-HETEROARYLIDENYL-2-
INDOLINOINES AND THEIR USE AS
PROTEIN KINASE INHIBITORS

Group Art Unit: 1623

Examiner: Ward, P.

Mail Stop: OIPE- Patents
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL LETTER

Transmitted herewith are the following documents:

- | | |
|-------------------------------------------------------------------------------------------------------|------------------|
| 1. Revocation of Power of Attorney with New Power of Attorney and
Change of Correspondence Address | 1 page; |
| 2. Statement Under 37 C.F.R. §3.73 | 1 page; |
| 3. Transmittal Letter | 1 page; and |
| 4. Total Fee Due \$0.00 | Deposit Account. |

Respectfully submitted,

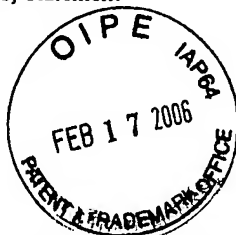
Date: 05/02/2005

V. P. Liptak
Vincent P. Liptak
Agent For Applicants
Registration No. 53,225

Agouron Pharmaceuticals, Inc./A Pfizer Company
Patent Department
10777 Science Center Drive
San Diego, California 92121
Phone: (858) 622-7808
Fax: (858) 678-8233

PC23537-B (SU-292)

Revocation of Power of Attorney With New Power of Attorney,
Change of Correspondence Address, Statement



Certificate of Mailing (37 C.F.R. §1.8);

I hereby certify that this correspondence is being
Transmitted via facsimile to 703-308-7749 to: Mail Stop:
OIPE - Patent Cases, Commissioner for Patents,
PO Box 1450, Alexandria, VA 22313-1450
on this 4th day of May 2005.

s/

Julie Agozino

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:
Peng Cho Tang, et al.

Serial No.: 10/648,810
U.S. Patent No.:

Filed: 08/27/2003
Issued:

For:
**4-HETEROARYL-3-HETEROARYLIDENYL-2-
INDOLINOINES AND THEIR USE AS
PROTEIN KINASE INHIBITORS**

Group Art Unit: 1623

Examiner: Ward, P.

Mail Stop: OIPE- Patents
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL LETTER

Transmitted herewith are the following documents:

- | | |
|-------------------------------------------------------------------------------------------------------|------------------|
| 1. Revocation of Power of Attorney with New Power of Attorney and
Change of Correspondence Address | 1 page; |
| 2. Statement Under 37 C.F.R. §3.73 | 1 page; |
| 3. Transmittal Letter | 1 page; and |
| 4. Total Fee Due \$0.00 | Deposit Account. |

Respectfully submitted,

Date: 05/03/2005


Vincent P. Liptak

Agent For Applicants
Registration No. 53,225

Agouron Pharmaceuticals, Inc./A Pfizer Company
Patent Department
10777 Science Center Drive
San Diego, California 92121
Phone: (858) 622-7908
Fax: (858) 678-8233

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**REVOCATION OF POWER OF
ATTORNEY WITH
NEW POWER OF ATTORNEY
AND
CHANGE OF CORRESPONDENCE ADDRESS**

Application Number	10/648,810
Filing Date	08/27/2003
First Named Inventor	Peng Cho Tang
Art Unit	1623
Examiner Name	Ward, P.
Attorney Docket Number	PC23537-B

I hereby revoke all previous powers of attorney given in the above identified application.

☐ A Power of Attorney is submitted herewith.

OR

☒ I hereby appoint the practitioners associated with the Customer Number:

28940

☒ Please change the correspondence address for the above-identified application to:☒ The address associated with
Customer Number:

28940

OR

☐ Firm or
Individual Name

Address

City

State

Zip

Country

Telephone

Fax

I am the:

☐ Applicant/Inventor.☒ Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)**SIGNATURE of Applicant or Assignee of Record**

Signature

Name

Vincent P. Liptak

Date

05/03/2005

Telephone

858-622-7908

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ *Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.36. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Sugen, Inc.

Application No./Patent No.: 10/648,810 Filed/Issue Date: 08/27/2003

Entitled: 3-(CYCLOALKANOHETEROARYLIDENYL)-2- INDOLINONE PROTEIN TYROSINE KINASE INHIBITORS

Sugen, Inc., a Corporation
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.
The extent (by percentage) of its ownership interest is _____ %

in the patent application/patent identified above by virtue of either:

A ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 012420, Frame 0509, or for which a copy thereof is attached.

OR

B ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
2. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

[Signature]
Signature

5/3/05
Date

Brvan C. Zielinski
Printed or Typed Name

858-622-8864
Telephone Number

Assistant Secretary
Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

VPL 23537B US



UNITED STATES PATENT AND TRADEMARK OFFICE



UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
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 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/648,810	08/27/2003	Peng Cho Tang	034536-0406

28940
 AGOURON PHARMACEUTICALS, INC.
 10777 SCIENCE CENTER DRIVE
 SAN DIEGO, CA 92121

RECEIVED

OCT 24 2005

LA JOLLA PATENT DEPT

CONFIRMATION NO. 3943



OC000000017269392

Date Mailed: 10/18/2005

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/04/2005.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

05/04/2005
 10/18/2005

DAVID O LIPSCOMB
 OIPE (703) 308-9010

ATTORNEY/APPLICANT COPY



UNITED STATES PATENT AND TRADEMARK OFFICE



UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1459
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/648,810	08/27/2003	Peng Cho Tang	034536-0406

22428
 FOLEY AND LARDNER LLP
 SUITE 500
 3000 K STREET NW
 WASHINGTON, DC 20007

RECEIVED

OCT 24 2005

LA JOLLA PATENT DEPT**CONFIRMATION NO. 3943**

OC000000017269382

Date Mailed: 10/18/2005

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/04/2005.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervened as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).



DAVID O LIPSCOMB
 OIPE (703) 308-9010

NEW ATTORNEY/AGENT COPY

BEST AVAILABLE COPY

Filed in the U.S. Patent and Trademark Office via First Class Mail to Mail Stop: Amendment

Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Attorney Docket No.: PC23337B

U.S. Patent Application Serial No. 10/648,310 Filed: 08/27/2003 Confirmation #3943

In Re Application of: PENG CHO TANG, et al.

Title: 4-HETEROARYL-3-HETEROARYLDENYL-2-INDOLINONES AND THEIR USE AS PROTEIN KINASE INHIBITORS

Please date stamp and return this postage-prepaid card to applicant to show receipt of the following enclosures:

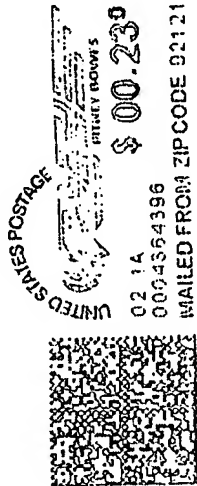
1. Response to Office Action 11 pages;
2. Transmittal Letter 1 page; and
3. Total Fee Due \$0.00 Deposit Account.

Date: May 20, 2005

Responsible Agent: Vincent P. Liptak, Ph.D.



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PFIZER INC
10777 SCIENCE CENTER DRIVE
SAN DIEGO CA 92121



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First Class Mail in an envelope addressed to:
Mail Stop: Amendment, Commissioner for Patents,
PO Box 1450, Alexandria, VA 22313-1450
on this 20th day of May 2005.

s/ Rachel Potash
Rachel Potash

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:
PENG CHO TANG, et al.

Serial No.: 10/648,810

Confirmation No.: 3943

Filed: August 27, 2003

For: **4-HETEROARYL-3-
HETEROARYLIDENYL-2-
INDOLINONES AND THEIR USE AS
PROTEIN KINASE INHIBITORS**

Group Art Unit: 1623

Examiner: Paul V. Ward

Mail Stop: Amendment
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL LETTER

Transmitted herewith are the following documents:

- | | |
|------------------------------|------------------|
| 1. Response to Office Action | 11 pages; |
| 2. Transmittal Letter | 1 page; and |
| 3. Total Fee Due \$0.00 | Deposit Account. |

Respectfully submitted,

Vincent P. Liptak

Vincent P. Liptak, Ph.D.
Agent For Applicants
Registration No. 53,225

Date: 05/20/05

Agouron Pharmaceuticals, Inc./A Pfizer Company
Patent Department
10777 Science Center Drive
San Diego, California 92121
Phone: (858) 622-7908
Fax: (858) 678-8233